

Application Serial No.: 09/457,049
Amendment and Response to June 2, 2006 Non-Final Office Action

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REMARKS

Claims 1-5, 7, 9-12, 14-18, 20-26, 29 and 30 are in the application, with Claims 1-5, 7, 9-12, 14-18, 20, 21, 23-26, 29 and 30 having been amended, and with Claims 6, 13, 19, 27, 28, 31-33 and 35 having been cancelled. Claims 1 and 16 are the independent claims herein. No new matter has been added. Reconsideration and further examination are respectfully requested.

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Claim Rejections

Claims 1-3, 16, 21-23, and 26-27 are rejected as being unpatentable over Wood et al. (U.S. Patent No. 6,091,808) in view of Yablon (U.S. Patent No. 5,764,731); Claims 4, 17-20, 28 and 33 are rejected as being unpatentable over Wood et al. in view of Yablon and further in view of Brennan et al. (U.S. Patent No. 5,329,578); Claim 5 is rejected as being unpatentable over Wood et al. in view of Yablon and further in view of Kugell et al. (U.S. Patent No. 5,802,160); Claims 6, 9-15, 29-32, and 35 are rejected as being unpatentable over Wood et al. in view of Yablon and further in view of Kugell et al. (U.S. Patent No. 5,802,160) and further in view of Brennan et al.; Claim 7 is rejected as being unpatentable over Wood et al. in view of Yablon and further in view of Kugell et al. in view of Brennan et al. and further in view of Will (U.S. Patent No. 5,905,789); Claim 24 is rejected as being unpatentable over Wood et al. in view of Yablon and further in view of Cheston, III et al. (U.S. Patent No. 6,330,308); and Claim 25 is rejected as being unpatentable over Wood et al. in view of Yablon and further in view of Herbst (U.S. Patent No. 4,941,170). Reconsideration and withdrawal of the rejections are respectfully requested.

The foregoing amendments reflect an earnest attempt by Applicants to further clarify the claim scope to which they believe they are entitled. This clarification is believed to even more clearly distinguish the amended claims from the cited art. Applicants therefore respectfully invite the Examiner to newly-consider the amended claims in light of the cited art.

In particular, amended independent Claim 1 concerns a method to attempt communication with a called party. The method includes determining two or more contacts associated with the called party from a contact list associating one or more contacts with each of a plurality of called parties, determining a first contact method associated with a first contact of

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the two or more contacts and determining a second contact method associated with a second contact of the two or more contacts, and automatically sending a message using the first contact method to the first contact and using the second contact method to the second contact. The message requests a contact method associated with the called party. The method further provides receiving a response to the message from the first contact, wherein the response indicates a third contact method associated with the called party, and automatically using the third contact method to attempt to communicate with the called party.

The art of record is not seen to disclose or to suggest the foregoing features of amended Claim 1. The art of record is specifically not seen to disclose or to suggest at least determining two or more contacts associated with the called party, determining a first contact method associated with a first contact of the two or more contacts and determining a second contact method associated with a second contact of the two or more contacts, automatically sending a message using the first contact method to the first contact and using the second contact method to the second contact, receiving a response indicating a third contact method from the first contact, and automatically using the third contact method to attempt to communicate with the called party.

Wood, as explained in prior responses, describes a system in which a subscriber operates Web browser 12 to initiate different types of communications. In operation, Web browser 12 displays personal or other directory information to a subscriber via the Web page of Fig. 3. The subscriber manipulates the Web page to transmit instructions to Web facility 22. For example, the subscriber may select DIAL button 75 to transmit an instruction to place a call to a displayed telephone number, TRANS button 76 to transmit an instruction to transfer a call to a displayed telephone number, CONF button 77 to transmit an instruction to create a conference call with a displayed telephone number, or E-MAIL button 78 to transmit an instruction to send an e-mail to a displayed e-mail address.

The Office Action characterizes Web facility 22 as one contact associated with a called party, characterizes the request for the Web page as sending a message to the contact using a first contact method, and characterizes the delivery of the Web page to Web browser 12 as a response from the contact indicating a second contact method. Even if these characterizations were conceded, nowhere can Wood be seen to disclose or to suggest determining two or more contacts

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associated with a called party, determining a first contact method associated with a first contact of the two or more contacts and determining a second contact method associated with a second contact of the two or more contacts, and automatically sending a message using the first contact method to the first contact and to the second contact using the second contact method.

More generally, no motivation is found in Wood or in the other art of record to determine two or more contacts associated with a called party and to automatically send a message as claimed to the two or more contacts by two respective contact methods. In this regard, the other art of record, including Yablon, has been reviewed and is not seen to disclose or to suggest, alone or in any permissible combination, determining two or more contacts associated with the called party, determining a first contact method associated with a first contact of the two or more contacts and determining a second contact method associated with a second contact of the two or more contacts, automatically sending a message using the first contact method to the first contact and using the second contact method to the second contact, receiving a response indicating a third contact method from the first contact, and automatically using the third contact method to attempt to communicate with the called party. Amended independent Claim 1 is therefore believed to be in condition for allowance.

Amended independent Claim 16 relates to an apparatus including a contact list manager to determine two or more contacts associated with a called party, to determine a first contact method associated with a first contact of the two or more contacts, and to determine a second contact method associated with a second contact of the two or more contacts. Also included is a locator to automatically send a message using the first contact method to the first contact, and to automatically send the message using the second contact method to the second contact, wherein the message requests a contact method associated with the called party. The locator is also to receive a response to said message from the first contact, wherein the response indicates a third contact method associated with the called party, and to automatically use the third contact method to attempt to communicate with the called party. Accordingly, for at least the reasons set forth above with respect to Claim 1, independent Claim 16 is believed to be allowable.

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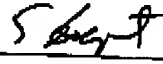
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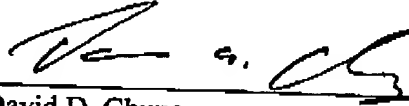
CONCLUSION

The outstanding Office Action presents a number of characterizations regarding each of the applied references, some of which are not directly addressed herein because they are not related to the rejections of the independent claims. Applicants do not necessarily agree with the characterizations and reserve the right to further discuss those characterizations.

For at least the reasons given above, it is submitted that the entire application is in condition for allowance and such action is respectfully requested at the Examiner's earliest convenience. Alternatively, if there remains any question regarding the present application or any of the cited references, or if the Examiner has any further suggestions for expediting allowance of the present application, the Examiner is cordially requested to contact the undersigned via telephone at (650) 694-5339.

Respectfully submitted,


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